

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CRIM. NO. 2:06cr71-MEF
)	
BERNETTAL LASHAY WILLIS)	

ORDER

On March 30, 2007, the defendant was found guilty on numerous counts of the indictment, all of which generally relate to the fraudulent obtaining of disaster funds following Hurricane Katrina. Sentencing is set for August 16, 2007. The defendant has filed a motion (doc. # 254) requesting that the court order a psychiatric examination of the defendant pursuant to 18 U.S.C. § 4241. On July 2, 2007, the court heard from counsel who expresses concern about his client's ability to assist him in representing her at sentencing in this case. Given the nature of the defendant's criminal activities in this case, the court has some doubts about whether the defendant is experiencing difficulty of merely malingering. However, given experienced counsel's concerns which arise from his contact with the defendant, the court concludes that an evaluation is appropriate.

Therefore, it appears to the court that there is reasonable cause to believe that Willis may presently be suffering from a mental disease or defect rendering her mentally incompetent to the extent that she is unable to understand the nature and consequences of the proceedings against her or to assist properly in her defense at sentencing. Accordingly, it is

ORDERED that the motion be and is hereby GRANTED and that the United States

Marshal for this district immediately remove the defendant to the custody of the warden of an appropriate institution as may be designated by the Attorney General where the defendant is to be committed for the purpose of being observed and examined for a period of 30 days by one or more qualified psychiatrists or psychologists at the institution, pursuant to the provisions of 18 U.S.C. § 4241. It is further

ORDERED that pursuant to 18 U.S.C. § 4247(b)(c) the examining psychiatrist or psychologists conducting the mental examination of the defendant report as required by 18 U.S.C. § 4247(c) in writing to this court within 30 days from the date of the defendant's arrival at the institution as to their findings, opinions and conclusions whether the defendant is suffering from a mental disease or defect rendering her mentally incompetent to the extent that he is unable to understand the nature and consequences of the sentencing proceeding against her or to assist properly in her defense at sentencing. It is further

ORDERED by this court that the defendant shall be incarcerated and remain at the institution designated by the Attorney General until such time as the evaluation is completed and she is returned to this district.

The clerk of this court is hereby ORDERED to furnish the United States Marshal for this district three certified copies of this order.

Done this 2nd day of July, 2007.

/s/Charles S. Coody
CHARLES S. COODY
CHIEF UNITED STATES MAGISTRATE JUDGE